

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

**[PROPOSED] ORDER AFFIRMING TRUSTEE'S DETERMINATIONS
DENYING CLAIMS OF CLAIMANTS HOLDING INTERESTS IN
RICHARD B. FELDER AND DEBORAH FELDER TENANCY IN COMMON**

Upon consideration of the Trustee's Motion and Memorandum to Affirm His Determinations Denying Claims of Claimants Holding Interests in Judy L. Kaufman et al. Tenancy In Common, Richard B. Felder and Deborah Felder Tenancy In Common, and Keith Schaffer, Jeffrey Schaffer, Carla R. Hirschhorn Tenancy In Common (the "Motion") (ECF No. 14844), dated January 13, 2017, as supplemented by the Trustee's Supplemental Motion and Memorandum of Law to Affirm His Determinations Denying Claims of Claimants Holding Interests in Richard B. Felder and Deborah Felder Tenancy In Common (the "Supplemental Motion")¹ (ECF No. 15234), dated March 15, 2017, filed by Irving H. Picard, as trustee ("Trustee") for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the substantively

¹ All capitalized terms not defined herein shall have the meaning ascribed in the Motion.

consolidated chapter 7 estate of Bernard L. Madoff, and it appearing that due and proper notice of the Supplemental Motion and the relief requested therein have been given; and the Trustee having filed a certificate of no objection representing that no objection has been received and that no party has indicated to the Trustee that it intends to oppose the relief requested in the Motion; and no other or further notice needs to be given; and the Court having reviewed the Supplemental Motion, the Supplemental Declaration of Stephanie Ackerman and the Declaration of Vineet Sehgal in support of the Motion (ECF No. 14845), the objection to claims determinations, and the record in this case; and the Court having determined that the legal and factual bases set forth in the Supplemental Motion establish just cause for the relief granted herein, and after due deliberation and sufficient cause appearing therefor, **IT IS HEREBY:**

ORDERED, that the relief requested in the Supplemental Motion is hereby granted as set forth herein; and it is further

ORDERED, that the Trustee's denial of the Felder Objecting Claimants' customer claims listed on Exhibit 2 annexed to the supporting Declaration of Vineet Sehgal, a copy of which Exhibit is attached hereto as Exhibit A, is affirmed, and such claims are disallowed; and it is further

ORDERED, that the Felder Objecting Claimants' objection to the Trustee's determinations listed on Exhibit 2 annexed to the supporting Declaration of Vineet Sehgal, a copy of which Exhibit is attached hereto as Exhibit A, are overruled; and it is further

ORDERED, that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: New York, New York
[_____], 2017

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT 2 – OBJECTING CLAIMANTS

List Of Claimants Invested In The Tenant In Commons Identified In Exhibit 1 With
Outstanding Objections To The Trustee's Determination of Claim

Objection Party	Claim Number	Objection To Determination Docket Number	Counsel	TIC Invested In	TIC BLMIS Account Number
Daniel C. Epstein	012947	3762	Pro Se Filing	Judy L Kaufman et al TIC	1CM100
Robert and Rebecca Epstein Living Trust	012888	3760	Pro Se Filing	Judy L Kaufman et al TIC	1CM100
Jonathan E Felder	001463	3865 ¹	Pro Se Filing	Richard B Felder And Deborah Felder TIC	1ZA249
Jeffrey D. Felder	001515	3865 ¹	Pro Se Filing	Richard B Felder And Deborah Felder TIC	1ZA249
The Richard and Deborah Felder Foundation	001369	3865 ¹	Pro Se Filing	Richard B Felder And Deborah Felder TIC	1ZA249
Carla Hirschhorn	100192	3189	Becker & Poliakoff, LLP	Keith Schaffer, Jeffrey Schaffer, Carla R Hirschhorn, TIC	1ZA339
Jeffrey Schaffer	100397	3189	Becker & Poliakoff, LLP	Keith Schaffer, Jeffrey Schaffer, Carla R Hirschhorn, TIC	1ZA339
Keith Schaffer	100400	3189	Becker & Poliakoff, LLP	Keith Schaffer, Jeffrey Schaffer, Carla R Hirschhorn, TIC	1ZA339
Keith Schaffer, Jeffrey Schaffer And Carla Hirschhorn, Tenants In Common	N/A	2075 ²	Becker & Poliakoff, LLP	N/A	1ZA339

¹ Objection docket 3865 was filed on behalf of Richard B Felder And Deborah Felder TIC as well as the Objecting Claimants. The Motion seeks to overrule the objection only insofar as it seeks customer status for the Objecting Claimants. The remainder of the objection will be addressed in a future motion.

² The Motion seeks to overrule that portion of objection docket 2075 related to claims 010700, 011601 and 011602, filed by the Keith Schaffer, Jeffrey Schaffer, Carla R Hirschhorn, TIC, only insofar as it seeks customer status for the Objecting Claimants.